

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC#**

**DATE FILED:** 1/4/10

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WEN LIU, :

Plaintiff, :

-against- :

MOUNT SINAI SCHOOL OF MEDICINE, :

Defendant. :

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09 Civ. 9663 (RJS) (AJP)

**ORDER TO PRO SE PLAINTIFF  
TO SERVE COMPLAINT**

**ANDREW J. PECK, United States Magistrate Judge:**

This Order is to inform you that Judge Sullivan has assigned this case to me for all pretrial purposes. An extra (courtesy) copy of all papers hereafter submitted to the Court should be sent to me at the United States Courthouse, 500 Pearl Street, Room 1370, New York, New York 10007-1312.

Enclosed is a copy of the "Individual Practices of Magistrate Judge Andrew J. Peck."

The parties are required to follow them.

Plaintiff must make arrangements to have the summons and complaint promptly served on all defendants.<sup>1/</sup> Plaintiff must provide a copy of this Order (and the enclosed Rules) to defendant's counsel either along with the summons and complaint or once counsel has appeared for defendant.

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<sup>1/</sup> The Court will hold in abeyance the issue of the timeliness of plaintiff's complaint, as raised by this Court's prior Order and plaintiff's 12/28/09 response, to allow defendant to raise the issue if it wishes to do so.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

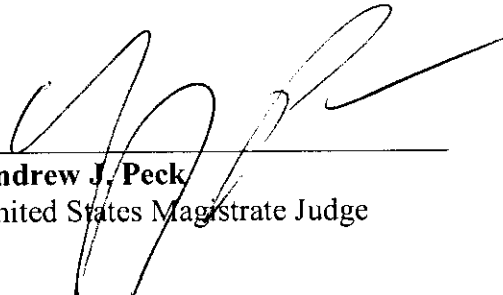
The complaint in this action was filed as of November 20, 2009. Accordingly, if service is not made upon the defendant(s) by March 22, 2010 (which is 120 days from filing of this complaint), I will recommend to Judge Sullivan that the action be dismissed. You must supply a courtesy copy of the proof of service to my chambers.

Plaintiff is required to advise the Clerk of the Court and my chambers of any change of address. Failure to keep the Court informed of your current address may result in dismissal of your case.

If plaintiff needs any assistance with court procedures, plaintiff can contact the Pro Se Clerk at the United States Courthouse, 500 Pearl Street, 2nd Floor, New York, New York 10007. The telephone number for the Pro Se Clerk is (212) 805-0175.

SO ORDERED.

Dated: New York, New York  
January 4, 2010

  
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**Andrew J. Peck**  
United States Magistrate Judge

Copies to: Wen Liu (Regular & Certified Mail)  
Judge Richard J. Sullivan